



AF 1615  
2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE APPLICATION

OF: KOLTER ET AL.

SERIAL NO. 09/873,431

FILED: JUNE 05, 2001

FOR: A PROCESS FOR PRODUCING SOLID ORAL DOSAGE FORMS WITH SUSTAINED  
RELEASE OF ACTIVE INGREDIENT

TO: HON. COMMISSIONER OF PATENTS AND TRADEMARKS

MAIL STOP:

AF

CONFIRMATION No.: 5147

GROUP ART UNIT: 1615

EXAMINER: B. M. FUBARA

I hereby certify that this correspondence is being deposited with the United States  
Postal Service with sufficient postage as first class mail in an envelope addressed  
to Commissioner for Patents and Trademarks, Alexandria, Va 22313-1450, on:

May 09, 2005

Date of Deposit

Sabine Berg

Person Making Deposit

Signature

*S. Berg*

Sir:

1. ☒ NOTICE OF APPEAL: Applicant hereby appeals to the Board of Appeals from the decision dated December 07, 2004, of the Primary Examiner finally rejecting Claims 1 to 23, 25 and 26.
2. ☐ BRIEF ON APPEAL in this application is transmitted herewith.  
☐ Applicants hereby request an Oral Hearing.
3. ☒ Applicants hereby request entry of their timely reply dated March 07, 2005, for purposes of appeal.
4. ☒ Applicants hereby petition for a -2- month extension of time under 37 C.F.R. §1.136(a).  
☐ A petition for a -/- month extension of time including the requisite fee of -/- has been submitted along with the reply under 37 C.F.R. §1.116 dated -/-.
5. ☒ The following fee(s) in the amount of -\$950.00- is(are) paid by credit card (Form PTO-2038 enclosed):
  - ☒ The \$500.00 fee required under 37 C.F.R. §41.20(b)(1).
  - ☒ The \$450.00 fee required under 37 C.F.R. §1.17(a).
  - ☐ Charge the following fee(s) in the amount of -/- to Deposit Account No. 14.1437:
    - ☐ The -/- fee required under 37 C.F.R. §41.20(b)(1).
    - ☐ The -/- fee required under 37 C.F.R. §1.17(a).
    - ☐ A fee is not required (Fee paid in prior appeal).
6. ☒ The Commissioner is hereby authorized to charge any fee which may be further required, or credit any over payment, to Deposit Account No. 14.1437. A duplicate copy of this sheet is attached.

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01 FC:1401  
02 FC:1252

500.00 OP  
450.00 OP

Respectfully submitted,

NOVAK DRUCE DELUCA & QUIGG

*Jason D. Voight*

Jason D. Voight

Reg. No. 42,205